

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MORRIS A. SMITH, III

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:06-CV-547-DPJ-LRA

FARM BUREAU INSURANCE COMPANY, AND
MERCHANTS & FARMERS BANK

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

CAME BEFORE THE COURT FOR HEARING, the separate motions of Defendants Mississippi Farm Bureau Mutual Insurance Company, ("Farm Bureau") and Merchants & Farmers Bank ("Bank") for dismissal of all claims asserted against them by Plaintiff *Pro Se* Morris A. Smith, III ("Smith") in this mater. The hearing on the motions had been previously scheduled and noticed for Monday, February 5, 2007, at 4:30 p.m. before the Honorable Henry T. Wingate. Counsel for Farm Bureau and Bank appeared, but Smith, or any representative of Smith, did not appear. Therefore, Judge Wingate did not hear oral argument from any party, but, rather, reviewed the issues submitted by the parties on their motions. Having considered the submissions for all parties, and otherwise being fully advised in the premises, the Court

FINDS that Smith's Complaint did not meet the requirements of the Federal Rules of Civil Procedure as it did not establish any ascertainable cause of action against the Farm Bureau and/or Bank; that Smith's Complaint did not attempt to define and/or clarify "terrorism" or "act of evil"; that Smith's Complaint did not allege any proper jurisdictional allegations against Farm Bureau and Bank; and that that Defendants Farm Bureau and Bank are each entitled to judgment as a matter of law on all of the claims brought against them by Plaintiff *Pro Se*. It is, therefore,

ORDERED AND ADJUDGED that Morris Smith, III's claims against Mississippi Farm Bureau Mutual Insurance Company are hereby dismissed without prejudice with each party to pay its own costs. It is further

ORDERED AND ADJUDGED that Morris Smith, III's claims against Merchants & Farmers Bank are hereby dismissed without prejudice with each party to pay its own costs.

SO ORDERED AND ADJUDGED this the 16th day of February, 2007.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

s/J. Blair Lobrano
J. Blair Lobrano (MSB #100942)
MACNEILL & BUFFINGTON, P.A.
P.O. Box 12690
Jackson, MS 39236-2690
(P) 601-936-2800
(F) 601-936-2801
(E) blobrano@mbpa.com

ATTORNEY FOR DEFENDANT
MISSISSIPPI FARM BUREAU MUTUAL INSURANCE COMPANY

s/ Jeff D. Rawlings
Jeff D. Rawlings (MSB #4642)
RAWLINGS & MACINNIS, P.A.
Post Office Box 1789
Madison, Mississippi 39130-1789
(P) 601-898-1180
(F) 601-969-1041
(E) jeffdrawlings@bellsouth.net

ATTORNEY FOR DEFENDANT
MERCHANTS & FARMERS BANK